



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,892	10/15/2001	William J. Berry	00411-03	1747

7590 10/23/2003
Walter L. Beavers
326 South Eugene Street
Greensboro, NC 27401

EXAMINER

CINTINS, IVARS C

ART UNIT PAPER NUMBER

1724

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/976,892	10/15/2001	William J. Berry	00411-03

EXAMINER	
I. Cintins	
ART UNIT	PAPER NUMBER
1724	

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

The communication filed on August 6, 2003 is not deemed to be fully responsive to the Office Action dated May 14, 2003 because this communication fails to comply with the requirements of 37 CFR 1.111(b). 37 CFR 1.111(b) states:

"In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a *bona fide* attempt to advance the application or the reexamination proceeding to final action. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section."

Art Unit: 1724

The Office Action dated May 14, 2003 contains rejections, under 35 U.S.C. 102(b) and/or 35 U.S.C. 103(a), based on Bernardi et al. (U.S. Patent No. 5,931,196) and/or Findlay et al. (U.S. Patent No. 3,213,881); and a rejection, under 35 U.S.C. 103(a), based on Faylor et al. (U.S. Patent No. 3,870,033) in view of Bernardi et al. Applicant's communication dated August 6, 2003 amends all of the independent claims; points out that "[t]he prior art references show lands and grooves such as land 88 of Finlay in its control valve," and that "Bernardi teaches a series of 'o' and 'd-shaped' rings which are used to stop water flow;" and argues that "the prior art does not show a spool having a series of grooves for water passage beneath o-rings for selective spool movement for water diversion." Applicant should note, however, that only amended claims 8, 15, 16 and 18 contain the argued limitations. Claims 1, 3-7, 10 and 14 recite a spool which allows passage of water beneath o-rings, but do not recite the argued grooves; and claims 11-13 fail to recite either the argued grooves or the argued water passage beneath o-rings.

Accordingly, the communication filed August 6, 2003 fails to specifically point out the supposed errors in the examiner's action with respect to claims 1, 3-7 and 10-14; and therefore, this communication does not satisfy the requirements of 37 CFR 1.111(b) for reconsideration or further examination.

Serial Number: 09/976,892


Page 3

Art Unit: 1724

Since the communication filed August 6, 2003 appears to be *bona fide*, Applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment of the application. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Blaine Copenheaver, can be reached at (703) 308-1261. The fax phone number for this art unit is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.


Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
October 17, 2003